

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Phillip James Williams,)	C/A No. 4:13-2256-RBH
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Deputy Keefe;)	
Deputy Bellamy;)	
Russell W. Mace, III, and)	
Florence County Sheriff Office,)	
)	
Defendants.)	

This case is before the Court because of Plaintiff's failure to comply with the magistrate judge's Order of August 28, 2013. ECF No. 9.

A review of the record indicates that the magistrate judge ordered Plaintiff to submit items needed to render this case into proper form within twenty-one days, and specifically informed Plaintiff that if he failed to do so, this case would be dismissed *without prejudice*. The Court has not received any response from Plaintiff and the time for his compliance has passed.

The mail in which the Order was sent to Plaintiff at the county detention center address provided when the case was filed was returned on September 13, 2013 as "undeliverable." Search of Federal Bureau of Prisons' records disclosed a new address for Plaintiff at FCI-Williamsburg. The Order and its accompanying documents were then mailed to that address on September 18, 2013. The mail in which the Order was re-mailed has not been returned to the Court, thus it is presumed that Plaintiff received the Order, but has neglected to comply with it within the time permitted under the Order.

Plaintiff's lack of response to the Order indicates an intent to not continue prosecuting this case, and subjects this case to dismissal. *See* Fed. R. Civ. P. 41(b)(district courts may dismiss an action if a Plaintiff fails to comply with "any order of the court."); *see also Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989)(dismissal with prejudice appropriate where warning given); *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982)(court may dismiss *sua sponte*).

Accordingly, this case is dismissed *without prejudice*. The Clerk of Court shall close the file.¹

IT IS SO ORDERED.

s/R. Bryan Harwell
R. Bryan Harwell
United States District Judge

October 21, 2013
Florence, South Carolina

¹ Under General Order, Misc. No. 3:07-5014-JFA, this dismissal *without prejudice* does *not* count as a "strike" for purposes of the "three strikes" provision of 28 U.S.C. § 1915(g). If Plaintiff wishes to bring this action in the future, he should obtain new forms for doing so from the Clerk's Office in Columbia (**901 Richland Street, Columbia, South Carolina 29201**).